

REMARKS

In response to the Office Action mailed June 27, 2005, the applicant provides the above amendments and the following remarks. With this amendment, the applicant has filed a request to extend the response deadline to October 27, 2005.

In the Office communication, the Examiner makes the following objections and rejections: 1) claims 1-8 are rejected under 35 USC §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention; 2) claims 1-5 are rejected under 35 USC §102 (b) as being anticipated by Soule' (2,751,118); 3) claim 6 is rejected under 35 USC §103 (a) as being obvious over Soule' in view of Cooney (3,522,460); and 4) claims 7-8 are rejected under §103(a) as being obvious over Soule' in view of Cooney, and further in view of Jabarin et al. (4,454,945). Applicant herein cancels claims 6, 7 and 8 and adds claims 9, 10, 11, 12, 13 and 14. The application currently contains pending claims 1-5 and 9-14.

Based on the above amendments and the following remarks, applicant respectfully requests that the Examiner reconsider and withdraw the objections and rejections. Applicant asserts that the application and all pending claims are now in condition for allowance.

A. Response to rejection under §112, second paragraph

The Examiner rejects claims 1-8 under §112, second paragraph, on the grounds that in claim 1, lines 1-2, the phrases "particularly; such as; and the like" render the claim(s) indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. Applicant above amends claim 1 to remove the language identified by the Examiner. Applicant believes that claim 1, as amended, is allowable under §112, second paragraph. Applicant invites the Examiner to contact the undersigned with any remaining questions or comments.

B. Response to rejection under §102(b)

The Examiner rejects claims 1-5 under §102 (b) as being anticipated by Soule'. Soule' discloses a cheese dispenser that comprises a container 10 and a grater 46 arranged to close the container 10, trip coupling means 44 between the grater and the container, and pushing means 40 in the container 10 to push the cheese towards the grater 46. The pushing means 40 comprise a threaded stem 12 fixed to the grater 46 to rotate as a unit therewith.

The disclosure of Soule' makes it clear that a cap 44 forming the center portion of the grater 46 is threadedly secured on the upper end 14 of the stem 12 at the top thereof (column 2, lines 15 to 17). The threaded coupling disclosed in Soule' can be easily opened by unscrewing and then violated without efforts. Accordingly, Soule' teaches away from an inviolable closure between the grater 46 and the mouth of the container 10.

Moreover, Soule' doesn't disclose or suggest any external disposable casing having a body for housing the container and the grater and a film for hermetically sealing the casing. Further it doesn't disclose or suggest a film of multilayer plastic material with at least a barrier layer. In addition Soule' does not disclose or suggest any cover adapted to be sealingly fit, in a removable manner, on the mouth of the container.

Accordingly Soule' teaches away from a double closure of the cheese dispenser, one of the enclosures being adapted to ensure a long shelf life of the cheese before a first consumption of the cheese, the other enclosure being adapted to ensure a hygienic protection of the cheese after every consumption until the cheese is completely consumed.

Further, the construction of the dispenser of Soule' is not considered sufficient and adequate to be highly sanitary, to ensure long shelf life or avoid fast deterioration of the food.

Instead, Soule' is designed to be opened and refilled. Accordingly, Soule' teaches away from a cheese container and dispenser, that prevents human contact with the cheese between the time when it is packaged and when it is consumed.

Therefore, claims 1-5 are patentable under §102(b) and §103 over Soule'.

C. Response to rejection under 35 USC §103 (a)

Claim 6 is rejected under 35 USC §103 (a) as being obvious over Soule' in view of Cooney. Claim 6 has been cancelled. Accordingly this issue is moot.

D. Response to rejection under 35 USC §103 (a)

Claim 7-8 are rejected under 35 USC §103 (a) as being obvious over Soule' in view of Cooney and further in view of Jabarin et al. Claims 7-8 have been cancelled. Accordingly this issue is moot.

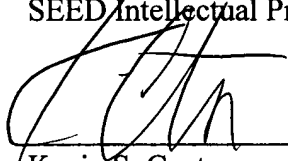
E. Conclusion

Based on the above amendments and remarks, applicant believes that the present application is in condition for allowance and respectfully requests the same. The applicant invites the Examiner to contact the undersigned by telephone to discuss any of the above issues or other issues.

The Commissioner is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

All of the claims remaining in the application are now clearly allowable. Favorable consideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,
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